

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
S/S Windsor Road, 411' W of
Subbrook Road
(1017 Windsor Road)
1st Election District
2nd Councilmanic District
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-451-A
Joseph Klein, III and
Judith S. Sandler -
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 26 feet in lieu of the minimum required 37.5 feet for an open projection (deck) in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Petitioners submitted a letter of approval from the affected property owner to the rear of the subject site, marked Petitioner's Exhibit 2. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of July, 1991 that the Petition for Residential Variance to permit a rear yard setback of 26 feet in lieu of the minimum required 37.5 feet for an open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-451-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 22-26 (b)(1) of the Baltimore County Code to permit a rear yard setback of 26 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The variance is necessary in order to build a deck which would be aesthetically pleasing to homeowners and neighbors. Deck will improve property and make backyard more pleasing to neighbors. Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

N/A
(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

J. Robert Haines
(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

Joseph Klein, III
(Type or Print Name)

Signature

Address

City/State/Zip Code

1017 Windsor Road 411' W of Subbrook Rd 21208

Address

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Joseph Klein, III
Name

1017 Windsor Road 411' W of Subbrook Rd 21208

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1991, that the subject matter of this petition be posted on the property on or before the 31st day of July, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 31st day of July, 1991, at 10:00 a.m.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-451-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 1017 WINDSOR RD, BALTIMORE, MD 21208 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

The variance is necessary in order to build a deck which would be aesthetically pleasing to homeowners and neighbors.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Joseph M. Sandler

Affiant (Handwritten Signature)

JUDITH S. SANDLER

Affiant (Printed Name)

J. Robert Haines

Affiant (Handwritten Signature)

J. ROBERT HAINES

Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of May, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph Klein III

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

May 24, 1991

DATE

Notary Public

My Commission Expires: 4/1/93

4/1/93

Zoning Description

91-451-A

As recorded in Deed Liber 8353, folio 637, beginning for the same at a point in the centerline of Windsor Road, and binding along the outlines of land described in the Deed, the following three courses and distances as now surveyed:

- 1) South 10 degrees 11 minutes 00 seconds West 130.33 feet,
- 2) South 78 degrees 10 minutes 50 seconds West 150.00 feet
- 3) North 02 degrees 03 minutes 10 seconds West 192.00 feet to a point in the center line of Windsor Road thence binding along the centerline of Windsor Road:

South 82 degrees 20 minutes 00 seconds East 90.00 feet

South 76 degrees 35 minutes 20 seconds East 90.00 feet to the point of beginning

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 3rd Date of Posting

Posted for: Joseph Klein, III

Petitioner: Joseph Klein, III

Location of property: 1017 Windsor Road, Baltimore, MD 21208

Location of Sign: 1017 Windsor Road, Baltimore, MD 21208

Remarks:

Posted by: J. Robert Haines

Signature

Date of return: 7/31/91

Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

5/24/91

H910045E

PUBLIC HEARING FEE 1 X \$25.00

01/24/2000 1 X \$25.00

02/24/2000 1 X \$25.00

03/24/2000 1 X \$25.00

04/24/2000 1 X \$25.00

05/24/2000 1 X \$25.00

06/24/2000 1 X \$25.00

07/24/2000 1 X \$25.00

08/24/2000 1 X \$25.00

09/24/2000 1 X \$25.00

10/24/2000 1 X \$25.00

11/24/2000 1 X \$25.00

12/24/2000 1 X \$25.00

TOTAL \$250.00

DAVID HOUTCHING

Please Make Checks Payable To: Baltimore Code 201018-000-24-91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21201

887-3353

June 24, 1991

Mr. & Mrs. Joseph Klein, III
1017 Windsor Road
Baltimore, MD 21208

RE: Item No. 452, Case No. 91-451-A
Petitioner: Joseph Klein, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Klein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21201

887-3354

Your petition has been received and accepted for filing this

24th day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

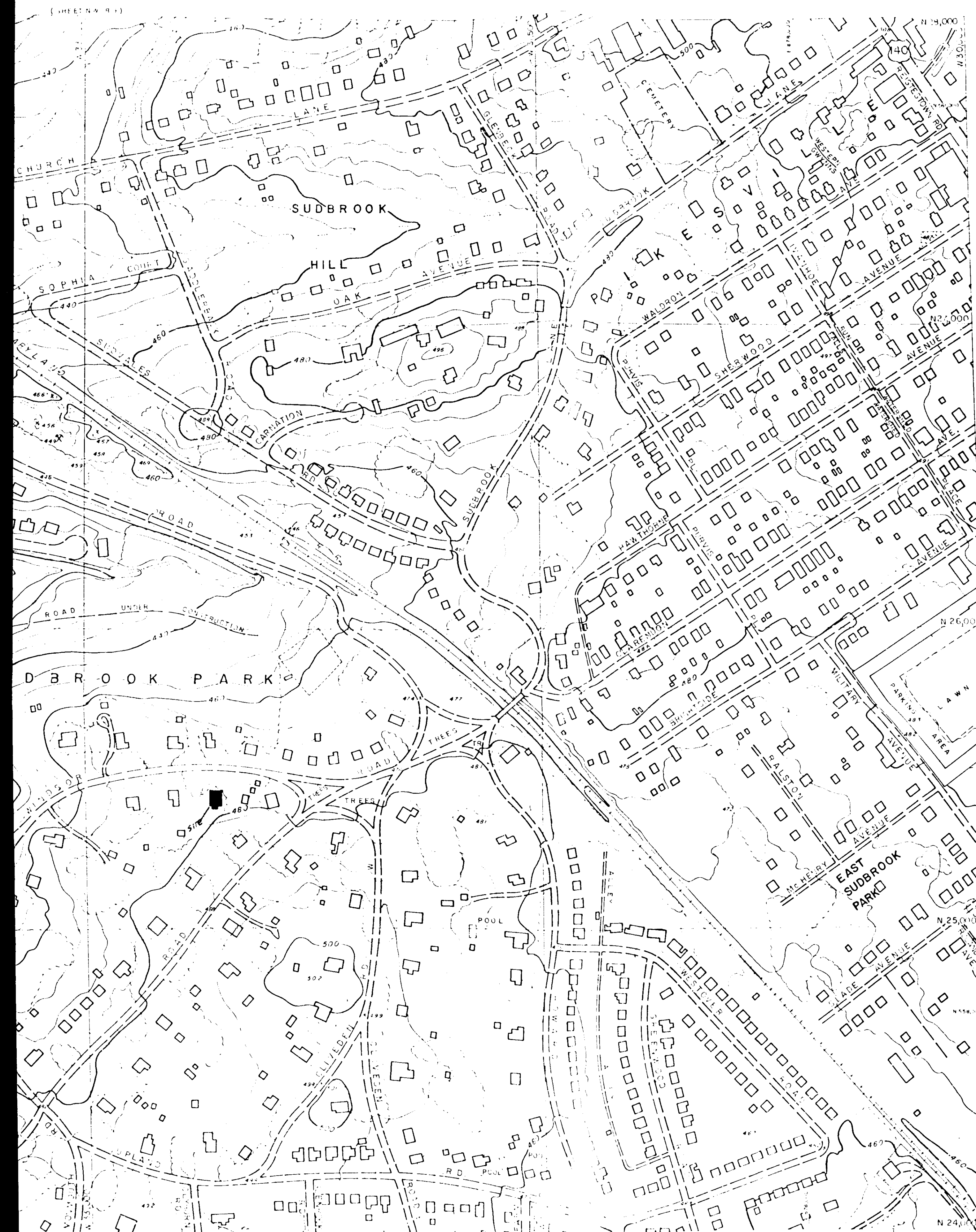
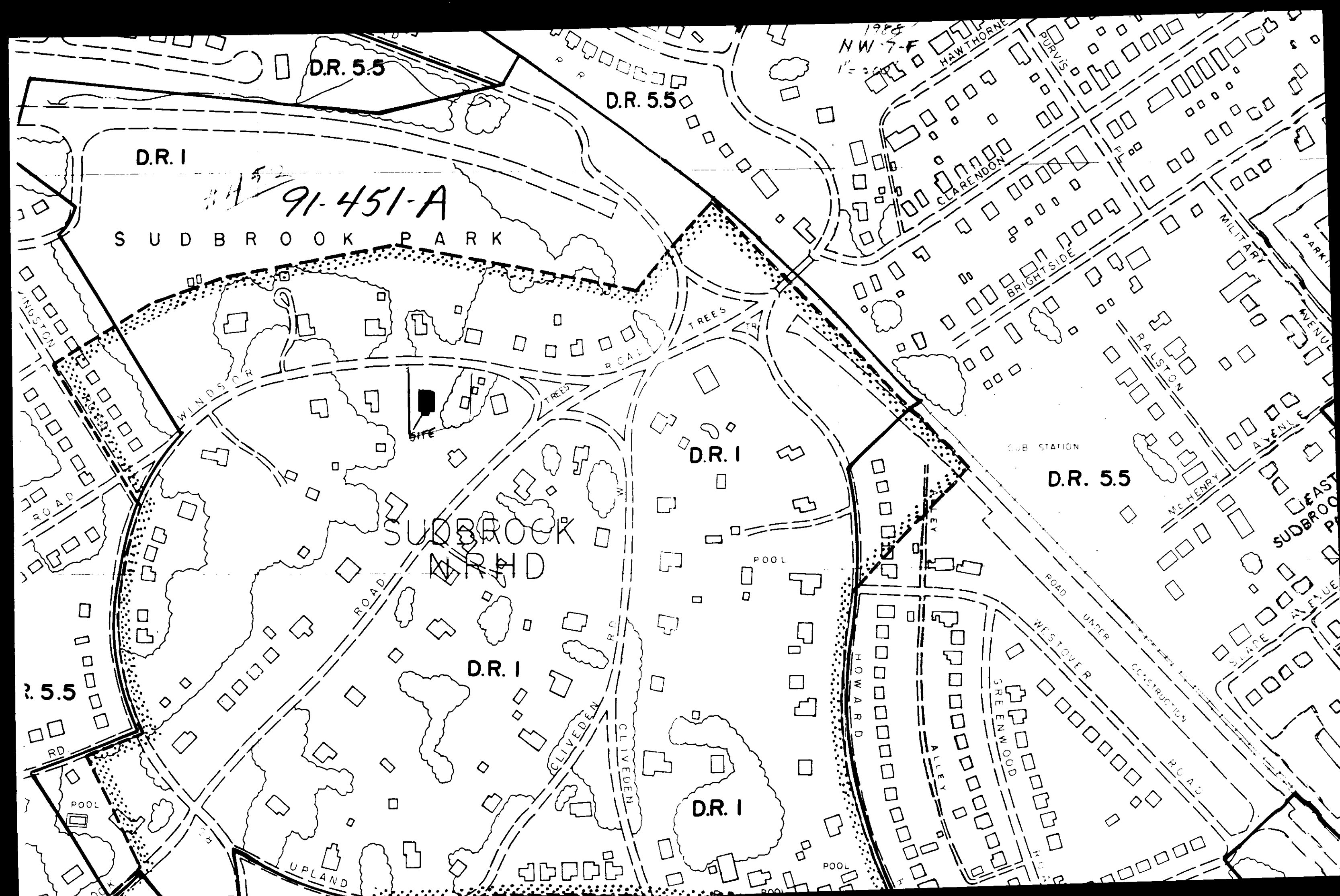
Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Joseph Klein, et ux

Petitioner's Attorney:

Petitioner's
Exhibit 2



RAMMETRIC MAP OF
 NTY METROPOLITAN AREA
 91-451-A

SCALE
 1" = 200'
 LOCATION
 PIKESVILLE
 SHEET
 NW
 7-F